

U.S. Patent Application Serial No. 10/663,697
Response filed October 12, 2005
Reply to OA dated July 13, 2005

REMARKS

Claims 1- 12 are currently pending in this patent application.

Claims 1 - 4 have been amended in order to more particularly point out, and distinctly claim the subject matter to which the applicants regard as their invention. The applicants respectfully submit that no new matter has been added. It is believed that this Amendment is fully responsive to the Office Action dated July 13, 2005.

At the outset, the applicants thank the Examiner for now indicating that claims 4 - 12 contain allowable subject matter, and would be allowable if amended in the manner suggested in item 9, page 6 of the outstanding Action. However, for the reasons more fully discussed below, to amend the claims in the manner suggested by the Examiner would unnecessarily or limit the scope of the claims to which the applicants are entitled.

Claims 1 - 12 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting rejection based on claims 1 - 12 of co-pending application U.S. Serial No. 10/663,696. The applicants respectfully request reconsideration of this rejection.

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The applicants' instant claimed invention is directed to a reproducing/recording apparatus having a first reproducing/recording mechanism for reproducing data from and/or recording data onto a cartridge-disk, wherein the first reproducing/recording mechanism has a traversing mechanism and a clamping mechanism, the clamping mechanism having a keep member adapted to urge the cartridge toward the side of the traversing mechanism at the time of clamping the cartridge.

The claimed invention in the co-pending application, having U.S. Serial No. 10/663,696, is directed to a reproducing/recording apparatus having a first disk tray for mounting a first disk thereon, and a second disk tray for mounting a second disk that is of a type different from the type of the first disk thereon.

That is, the claimed structural arrangements or features of both applications greatly differ, despite parts of their drawings being the same. The applicants therefore traverse the outstanding obviousness-type double patenting rejection, and respectfully request that the outstanding provisional rejection under the judicially created doctrine of obviousness-type double patenting rejection based on claims 1 - 12 of co-pending application U.S. Serial No. 10/663,696 be withdrawn.

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The following rejections are further set forth in the outstanding Action:

(1) claims 1 and 2 stand rejected under 35 USC 102(b) based on Kawamura (U.S. Patent No. 5,812,511); and

(2) claim 3 stands rejected under 35 USC 103(a) based on Kawamura in view of Inoue (U.S. Patent No. 6,665,255).

The applicants respectfully request reconsideration of these rejections.

It is respectfully submitted that a significant claimed structural arrangement of the applicants' claimed reproducing/recording apparatus, as now recited in independent claim 1, includes the claimed clamping mechanism having a keep member adapted to urge the cartridge toward the side of the traversing mechanism at the time of clamping the cartridge. In other words, Kawamura is concerned with a mechanism to which a cartridge is mounted. However, Kawamura does not a "keep member" as in the instant claimed invention. In this regard, the ball 35 in Kawamura, as pointed out by the Examiner, is nothing but a conventional clamp for holding a disk at the center thereof (see, Kawamura, lines 15 - 37, column 9), which is by no means equivalent to the keep member 64 of the present invention that urges (a corner of) the cartridge of the cartridge-disk.

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Furthermore, claim 2 depends on claim 1, and further limits the scope of claim 1. Thus, at least for the reasons discussed above with respect to claim 1, claim 2 should now be similarly allowable.

In view of the above, the applicants respectfully submit that not all of the claimed elements, as now recited in claims 1 and 2, are found in exactly the same situation and united in the same way to perform the identical function in Kawamura's device. Thus, there can be no anticipation of the applicants' claimed invention, as now set forth in claims 1 and 2, based on the teachings of Kawamura. Accordingly, the withdrawal of the outstanding anticipation rejection under 35 USC 102(b) based on the teachings of Kawamura (U.S. Patent No. 5,812,511) is in order, and is therefore respectfully solicited.

As to the secondary reference of Inoue, this reference is merely relied upon for the reasons discussed in lines 5 - 9, page 6 of the outstanding Office Action. However, such teachings in Inoue fail to supplement the above-discussed deficiencies or drawbacks in the teachings of the primary reference of Kawamura. Thus, even if, *arguendo*, the teachings of Kawamura and Inoue can be combined in the manner suggested by the Examiner, such combined teachings would still fall far short in fully meeting the applicants' claimed keep member adapted to urge the cartridge toward the side of the traversing mechanism at the time of clamping the cartridge, as now set forth in independent claim 1 from which claim 3 depends.

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Accordingly, a person of ordinary skill in the art would not have found the applicants' claimed invention, as now recited in claim 3, obvious under 35 USC 103(a) based on the teachings of Kawamura and Inoue, singly or in combination. Thus, the withdrawal of the outstanding obviousness rejection under 35 USC 103(a) based on Kawamura (U.S. Patent No. 5,812,511) in view of Inoue (U.S. Patent No. 6,665,255) is in order, and is therefore respectfully solicited.

In view of the aforementioned amendments and accompanying remarks, claims, as amended, are in condition for allowance, which action, at an early date, is requested.

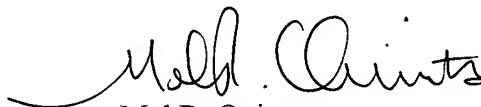
If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper to Deposit Account No. 01-2340.

Respectfully submitted,

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